

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff(s),

v.

JAMES KELLY,

Defendant(s).

23-CR-113 (DEH)

ORDER

DALE E. HO, United States District Judge:

A hearing was held today on the parties' motions in limine. The motions are fully submitted, and the Court will issue a ruling on the motions as soon as practicable.

Furthermore, for the reasons stated at the January 8, 2024 hearing, Defendant's request (ECF No. 71) to file a redacted letter on the docket is **GRANTED**. The Clerk of Court is respectfully requested to terminate ECF No. 71.

It is further ordered that the conference scheduled for January 17, 2024, at 3:00 p.m. (ECF No. 37) is **ADJOURNED** to January 19, 2024, at 2:30 p.m. EST. The conference will be held in Courtroom 905 of the Thurgood Marshall Courthouse, 40 Foley Square, New York, NY 10007.

At a conference held before Judge Woods on September 21, 2023, the Court excluded time until January 29, 2024 (the first date of trial), "because it will allow time for the consideration of the discovery materials by the defendant and his counsel, a time for defendant's counsel to prepare and consider any motions, time for the parties to potentially negotiate a pretrial disposition of the case, and also time for the parties to prepare for trial." ECF No. 38 at 6. For the avoidance of doubt in light of the superseding indictment on which the Defendant was

arraigned today, the Court will exclude time until January 29, 2024 from the Speedy Trial Act calculation pursuant to 18 U.S.C. § 3161(h)(7). After balancing the factors specified in statute, the Court finds that the ends of justice served in excluding such time outweigh the best interests of the public and the defendant in a speedy trial, because it will allow time for the consideration of additional discovery materials by the Defendant and his counsel, time for Defendant's counsel to prepare and consider any motions, and time for the parties to prepare for trial.

SO ORDERED.

Dated: January 8, 2024
New York, New York

A handwritten signature in black ink, appearing to read "Dale Ho", is positioned above a horizontal line.

DALE E. HO
United States District Judge